

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 1-23 were originally in the application, claims 5 and 10-23 were withdrawn, and claims 2, 4 and 7 were previously cancelled. Claims 1, 3, 6 and 8-9 were examined and claim 1 has been amended.

Entry of this amendment is respectfully requested as reducing the issues for appeal, and/or for placing the claims in condition for allowance. Specifically, the Examiner indicated that claim 1 would be allowable if claim 1 were amended to include the total composition weight. While the examiner suggested 1250 mg., the applicant could not find adequate support for this amount. In keeping with the Examiners' recommendation, claim 1 has been amended to recite that the active ingredient weight in the composition is within the range of 340 to 5360 mg, corresponding to the minimum and maximum ranges of each active ingredient. The range has proper support, and is believed to place claim 1 and the claims depending therefrom in condition for allowance.

Claims 1-4 and 6-9 were rejected as being obvious over Krotzer and Winston et al. It was admitted that Krotzer fails to disclose Rhodia Rosea extract as part of the composition of Krotzer, and there is no teaching or suggestion for such a composition additionally containing Rhodeola Rosea, and having a total weight of active ingredients of from 340 to 5360 mg..

There is no teaching or suggestion which would guide one skilled in the art to pick and choose among the numerous ingredients in Krotzer to select the specific components of the applicants invention, and then to pick again among the numerous ingredients in Winston, to arrive at the composition according to claim 1, having the weight as specified in claim 1. Certainly, there is no indication of any advantage to making such a combination.

The applicants' invention is an oral composition containing specific ingredients, in specific ranges and at a total weight which solves a problem, that is, it suppresses both appetite and cravings for substances such as nicotine. There is no teaching or suggestion for

preparing such a specific composition in the cited references, not any indication of the advantages obtained using the composition. Consequently, claims 1, 3, 4, 6, 8 and 9 are not obvious, and this rejection should be withdrawn.

Should claim 1 be allowable, the applicant requests rejoinder of claim 5 to the application, for listing in the Notice of Allowance, as claim 5 would depend from and contain all the limitations of allowed claim 1 therein.

Based on the above amendment and remarks, favorable consideration and allowance of the application are respectfully requested. However should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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